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REMARKS

In the Office Action of December 8, 2003, a restriction requirement was required with respect to three groups of claims: claims 1-35 and 41-47 (Group I) drawn to a microfluidic flow guiding apparatus and a method for using the apparatus; claims 36-40 (Group II) drawn to a process of making a microfluidic flow guiding apparatus; and claims 48-51 (Group III) drawn to a process of making a microfluidic flow guiding apparatus using photolithography. Applicants have provisionally elected claims 1-35 and 41-47 for initial examination, but submit that the claims to processes for making microfluidic guiding apparatus are directly related to and part of the same invention as the apparatus and the method for using the apparatus. For this reason Applicants believe all three groups of claims should be examined together.

The Office Action stated that the microfluidic flow guiding apparatus invention of Group I is distinct from the methods for making a microfluidic flow guiding apparatus as recited in the claims of Groups II and III because the apparatus as claimed can be made by another and materially different process. The Office Action alleges that because these inventions are distinct and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper. However, a restriction requirement for closely related inventions is appropriate only in situations where there is a separate classification or a separate status in the art for the inventions and a separate field of search is

required (MPEP § 808.02). In the present case, the claims to the apparatus, process for using the apparatus, and process for making the apparatus are so closely related that the pertinent art with respect to any one group of claims will also be the pertinent art for the other groups of claims. Therefore, the three groups of claims do not require a separate field of search.

The close relationship between the apparatus, process for using and process for making claims is illustrated by the fact that each processing step in the claims of Groups II and III is explicitly directed to the production of a structural element of the apparatus in the claims of Group I. Independent claim 1 of Group I is directed to an apparatus having two major components: 1) a flow path defined between a base and a cover and 2) a flow guiding stripe defined by a wettable region between the base and the cover. Independent claim 36, the only independent claim of Group II, includes two steps, each of which is directed to the formation of one of the two major components of the apparatus of claim 1. The first step in claim 36 is “forming a channel in a base and a cover,” which corresponds to the formation of the flow path of the apparatus of claim 1. In the second step of the method of claim 36 a wettable material is deposited on the channel to form the flow guiding stripe of claim 1. The steps of independent claim 48, the only independent claim of Group III, are also directed specifically to the formation of the two components of the apparatus of claim 1. Specifically, claim 48 includes the step of “forming a bottom wall of a channel in a base,” which corresponds to the formation of the flow path in the apparatus of claim 1. Claim 48 further includes the step of forming the flow guiding stripe of the apparatus of claim 1 by photolithographically patterning a photopatternable material applied to the bottom wall of the channel.

Thus, based on the correspondence between each structural element of the apparatus of the claims of Group I and each step in the methods of Groups II and III, it follows

that the pertinent prior art with respect to Group I will also be the pertinent prior art with respect to Groups II and III. For these reasons, the search and examination of all three sets of claims can be conducted without a serious burden and Applicants respectfully request the restriction requirement be withdrawn.

Respectfully submitted,

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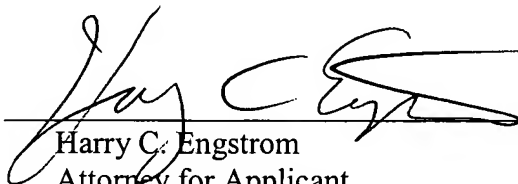
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